

REMARKS

Claims 1-55 are currently pending in this reissue application. The Examiner rejected claims 1-55 as being based upon a defective reissue declaration. The Examiner rejected claim 40 under 35 U.S.C. § 251 as being broadened in a reissue application filed outside of the two year statutory period.

Applicants' Reissue Declarations

The Examiner expressed the view in Paragraph 2 of the Office Action that applicants' Declarations fail to comply with Rule 175 because they do not include the exact language set forth in Rule 175(a)(2) stating that "[a]ll errors being corrected in the reissue application up to the time of the filing of the oath or declaration . . . arose without any deceptive intention on the part of the applicant." The Examiner further objected to applicants' Declarations as failing to include the language set forth in Rule 63(b)(2) stating that the person signing has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

Applicants submit herewith Supplemental Reissue Declarations that are in compliance with Rules 175 and 63.

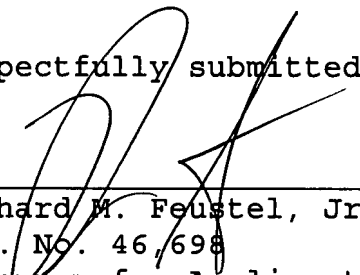
The Rejection of Claim 40 Under 35 U.S.C. § 251

The Office Action rejects claim 40 under 35 U.S.C. § 251 as being broadened in a reissue application filed outside of the two year statutory period. Applicants respectfully submit that this broadening reissue application was filed within the two year statutory period. This application is a reissue patent application of U.S. Patent No. 5,629,733, which issued on May 13, 1997. This reissue application was filed on May 13, 1999, the two year anniversary of the date on which the original patent issued. As stated in the MPEP 1412.03, "[a] reissue application filed on the 2-year anniversary date from the patent grant is considered to be filed within 2 years of the patent grant."

Additionally, if the rejection of claim 40 is based upon the contention that applicants' amendment of claim 40 acted to broaden outside of the two year statutory period, applicants respectfully submit that the rejection should be withdrawn because, as stated in MPEP 1412.03, "a broadened claim can be presented after two years from the grant of the original patent in a broadening reissue which was filed within two years from the grant."

In light of the foregoing, applicants respectfully submit that this application is in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,



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